

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AMY SCHRADER,)
)
 Plaintiff,) 8:09CV33
)
)
 v.)
)
)
 HENNINGSEN FOODS, Inc., and Q.P.) MEMORANDUM AND
 CORPORATION,)
)
)
 Defendants.)
)

This matter is before the court on defendant Q.P. Corporation's ("QP") motion to dismiss for lack of personal jurisdiction, Filing No. [18](#); defendant Henningsen Foods, Inc.'s ("Henningsen") motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) and 12(d), Filing No. [22](#); plaintiff's motion to strike, Filing No. [25](#); plaintiff's motion to strike index, Filing No. [27](#); Henningsen's motion to dismiss the Racketeer Influenced and Corrupt Organizations Act ("RICO") claims, [18 U.S.C. § 1961](#) et seq., Count II, Filing No. [38](#); and plaintiff's motion to dismiss the RICO claims in Count II, Filing No. [46](#).

The court first notes that plaintiff has now filed an Amended Complaint. Filing No. [36](#). This new complaint renders Filing Nos. 18, 22, 25 and 27 moot. Accordingly, the court will deny those motions as moot. In addition, Henningson filed a motion to dismiss plaintiff's RICO claims. Filing No. [38](#). Plaintiff has now filed a motion dismissing her RICO claims. Filing No. [46](#). Accordingly, the court will grant the plaintiff's motion to dismiss her RICO claims and will deny Henningsen's motion to dismiss as moot.

THEREFORE, IT IS ORDERED:

1. Henningsen's motion to dismiss, Filing No. [22](#), is denied as moot.

2. Plaintiff's motion to strike, Filing No. 27, is denied as moot.
3. Plaintiff's motion to dismiss, Filing No. 46, is granted and the RICO claims are dismissed from this lawsuit.
4. Henningsen's motion to dismiss the RICO claims, Filing No. 38, is denied as moot.
5. Plaintiff's motion to strike, Filing No. 25, is denied as moot.
6. QP's motion to dismiss, Filing No. 18, is denied as moot.

DATED this 23rd day of June, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge